

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIAM B. BOWERS,
Petitioner,

v.

Case No. 02-CV-01034

DANIEL BERTRAND, Warden,
Green Bay Correctional Institution,
Respondent.

DECISION AND ORDER

Petitioner William Bowers filed this petition for a writ of habeas corpus on October 17, 2002. Following a plea of no contest, petitioner was convicted in Waukesha County Circuit Court on June 13, 2000 of two counts of second degree sexual assault of a child. He was sentenced to fifteen years imprisonment and twenty years probation. He is currently being held in the Oshkosh Correctional Institution. Petitioner argues that he is being held in violation of the Constitution of the United States because he was denied effective assistance of counsel at trial and because his plea was involuntary. I screened the petition under Rule 4 of the Rules Governing § 2254 Petitions and allowed him to proceed on both of these claims. I then stayed the case on December 31, 2003 to allow petitioner time to exhaust his claims in state court.

Petitioner now moves to lift the stay. He has also moved to substitute Judy Smith, the warden at the Oshkosh Correctional Institution, as the respondent in this case. At the time petitioner filed this petition he was incarcerated at the Green Bay Correctional Institution, where Daniel Bertrand was warden, but he has since been moved. I will grant

petitioner's motion to substitute Judy Smith as respondent, and I will give the new respondent thirty days to respond to the motion to lift the stay.

THEREFORE, IT IS ORDERED that petitioner's motion to substitute a party [DOCKET #18] is **GRANTED**. Judy Smith, warden of the Oshkosh Correctional Institution, is substituted as the respondent in this case.

IT IS FURTHER ORDERED that if respondent wishes to file a **BRIEF IN OPPOSITION** to petitioner's motion to lift the stay, she shall do so within thirty (30) days of the date of this order. If respondent does not file a brief in opposition, the motion will be granted as unopposed pursuant to Civil L.R. 7(d) (E.D. Wis. 2010).

Pursuant to Rule 4 of the Rules Governing § 2254 Cases, copies of the petition and this order will be mailed to the new respondent and transmitted electronically to the Attorney General for the State of Wisconsin pursuant to the memorandum of understanding between the Clerk of Court and the Wisconsin Department of Justice.

Dated at Milwaukee, Wisconsin, this 11th day of May 2012.

s/ Lynn Adelman
LYNN ADELMAN
District Judge